

REMARKS

Applicant would like to thank the Examiner and his supervisor for the courtesies extended to the undersigned representative during several phone conferences regarding this application. During the interviews, it was agreed that the claims as presented in this amendment would overcome the § 112 rejection and that new claim 8 would not be further restricted. With respect to the § 103 rejection, no agreement was reached although the Examiner did seem to indicate that the claim language distinguished over the prior art of record. For the reasons set forth below, favorable reconsideration of this application is respectfully requested.

As noted above, it was agreed during the interview that amendments to the claims as set forth herein would obviate the § 112 rejection. Therefore, this rejection should now be overcome.

With reference to Applicant's Figures 3 and 6, in accordance with the teachings of the present invention a glass or subglass 100 is received by a mounting groove 1a in a lower supporting bracket 1. The upper end of the glass is supported by an upper bracket 2. A locking apparatus 3 is rotated into a locked or unlocked position. In the unlocked position, the subglass can be tilted from the upper bracket and removed so that the operator within the vehicle can escape. In the locked position, a support member 32 of the locking apparatus protrudes from handle 30 (Fig. 6a) and presses against the subglass 100 so that it is supported or held in place against the upper bracket 2.

The claims stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,015,454 to Struble. This rejection is respectfully traversed. The Struble

'454 Patent discloses a pickup truck having a cap or hood in which a rear window is pivoted into an open or closed position by way of a latch. The window in Struble is not removed from bracketry, as in the present invention. In addition, the Struble reference fails to disclose the claimed locking apparatus. Among other things, the locking apparatus in claim 8 calls for a locking apparatus that "detachably supports an upper portion of the outer surface of the subglass in close contact with the upper bracket **so that the subglass can be removed** from the upper and lower brackets", the locking apparatus having a handle in which its lower end is "spaced from and generally parallel to the subglass" and a "support member affixed to and **protruding from an inner surface of the handle** towards the subglass, the **support member pressing the subglass** against the upper bracket when the handle is in a first position to hold the subglass in the upper and lower brackets, with the support member being disengaged from the subglass when the handle is rotated to a second position to thereby allow the subglass to be removed from the upper and lower brackets to permit escape from the driving" (emphasis added). Claim 1 calls for "a support member which is protruded from an inner surface of the handle and is integrally rotated with the handle and supports an outer surface of the subglass". There is no such structure in the Struble reference. While Struble may include a handle 31, there is no equivalent structure that: 1.) has a lower portion that is spaced from and generally parallel to the glass; 2) has a support member that protrudes from an inner surface of the handle; 3) the support member being integrally rotated with the handle and 4.) that supports an outer surface of the subglass or the window. The handle 31 in Struble is merely used to latch or unlatch the tiltable window which, as noted above, always remains fixed to the vehicle. **Nothing on**

Struble's handle or latch contacts the glass to hold it in place. In contrast, the locking apparatus of Applicant's claimed invention, supports the glass to hold the subglass in the bracketry when in a locked position and, in an unlocked position, allows the window to tilt from the upper bracket and be removed.

Therefore, the independent claims 1 and 8 are not anticipated by the '454 reference and, in addition, are not made obvious by its disclosure.

The dependent claims are patentable for similar reasons. In addition, dependent claim 3 defines detailed structure which is not disclosed or suggested in any of the references of record.

Therefore, this application should be in condition for allowance and such action is respectfully requested. In the event that personal contact would be advantageous to the disposition of this case, the Examiner is requested to call the undersigned at his earliest convenience.

Respectfully submitted,

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By: 

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